



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
250 Washington Street, Boston, MA 02108-4619

MITT ROMNEY  
GOVERNOR

KERRY HEALEY  
LIEUTENANT GOVERNOR

TIMOTHY R. MURPHY  
SECRETARY

PAUL J. COTE, JR.  
COMMISSIONER

### **Pandemic Influenza Policy Issues in Process**

In the event of an extended emergency, such as a pandemic influenza, regulations may need to be altered or waived in response to extreme staff shortages while ensuring continuity and quality of essential services to patients and clients. In preparation, the Department of Public Health (DPH), with the Executive Office of Health and Human Services (EOHHS), has been working with national, state, local and regional leaders to assess such statutory requirements and other policies needed to protect the health and safety of the Commonwealth of Massachusetts' residents throughout a pandemic event. The following is an overview of policies and guidelines that have been completed, drafted, or are under careful consideration of various workgroups that include medical, legal, ethical, financial, and emergency planning experts.

***DPH Guidance on Medical Care for EOHHS Clients and Patients During Reduction of Staff and Public Health Emergencies*** now posted on [www.mass.gov/pandemicflu](http://www.mass.gov/pandemicflu) provides information regarding:

- Ability to mandate a client/patient be vaccinated or treated with an anti-viral medication for influenza;
- Ability to mandate that an incompetent client/patient be vaccinated or treated with an anti-viral medication for influenza;
- Influenza vaccination or treatment for clients/patients with a Rogers guardianship for antipsychotic medications; and
- Ability of guardian for an agency client/patient to give advance approval for vaccination or treatment based on a specific set of conditions/circumstances.

**Liability protection for volunteers** is under discussion. Currently, public employees have liability coverage under the Tort Claims Act; the Federal Volunteer Protection Act protects volunteers serving nonprofit organizations or governmental entities in certain circumstances; Good Samaritan Laws protect some professionals; Elder Care Counselor Protection is described in M.G.L. c. 19A § 38; and pending legislation would bring emergency response volunteers under the Tort Claims Act.

**Continuity of payments to POS and Medicaid providers** are currently being considered by the EOHHS Continuity of Provider Payments Subcommittee, including:

- Uninterrupted payment of provider services during an extended emergency;
- Reconciliation of payments after declared emergency; and
- Reimbursement for emergency expenditures.

A New England/New York Pandemic Influenza/Avian Influenza Regional Meeting held in June 2006 provided an opportunity for neighboring states to share proposed policies and coordinate regional interstate operational approaches for use during a pandemic influenza. Workgroups continue to meet to discuss the following policy issues:

- **Personal Protective Equipment (PPE);**
- **Community Containment, including school and day care closures, isolation and quarantine, social distancing;**
- **Antiviral and Vaccine Utilization;**
- **Healthcare Surge Capacity;**
- **Mass Fatality/Morgue Capacity;**
- **Risk Communication Coordination; and**
- **Laboratory Testing.**

DPH staff is also working with the larger Massachusetts Health Plan Providers. Committees have been established to discuss the following:

- **30-Day Supply of Medication;**
- **Clinician and Institution Reimbursement Issues;**
- **Communication Support by Health Plan Member Services Staff; and**
- **Role of Health Plan Clinical Programs and Staff re: general communication and patient advice.**

Through DPH and the Harvard School of Public Health, draft guidelines for **Altered Standards of Care** have been distributed for comments and shared with the NE/NY Pandemic Influenza Workgroup. Further review is in progress.

**Draft Templates for Orders of Commissioner in Public Health Emergency** follow on the next page.

Draft Templates for Orders of Commissioner in Public Health Emergency

<b>Title of Document (in Word)</b>	<b>Purpose</b>
CONTINGENCY PROTOCOLS FOR REFILLS OF CONTROLLED SUBS	Authorizes pharmacists to refill prescriptions without the normally required documentation
FACILITY CLOSURE auth locals	Authorizes local health authorities to close facilities such as schools, businesses, etc.
FACILITY CLOSURE state order	Orders closure of facilities such as schools, businesses, etc.
ISOLATION & QUARANTINE OF GROUPS	Directs state and local health officials to isolate sick people and quarantine exposed people in their homes if possible; otherwise in an appropriate designated place
MASS PROPHYLAXIS	Orders the entire population (or a subset) to receive medication or vaccination, and orders local health authorities to activate emergency dispensing sites
MEDICAL EVALUATION	Authorizes local health authorities to order medical evaluation of non-compliant people
PUBLIC TRANSPORT & ASSEMBLIES auth locals	Authorizes local health authorities to restrict or close public assemblies and/or public transportation
PUBLIC TRANSPORT & ASSEMBLIES state order	Orders restriction or closure of public assemblies and public transportation
RULES & PRIORITIES FOR FLU VACCINE <b>(Does NOT require declaration of public health emergency)</b>	Establishes priorities for groups of people to receive flu vaccine <b>(This is the actual order used in 2005; not a template)</b>
SUSPENDING PA STATS & REGS	Allows more physician assistants to practice, and allows PAs to prescribe without written guidelines, during a public health emergency when there are not enough MDs
IN-STATE LICENSE WAIVER	Authorizes categories of health professionals (to be filled in when needed, e.g. physicians, nurses, etc.) who hold an unrestricted license in good standing in another state or Canada to practice in Massachusetts
SUSPENDING STATS & REGS TO ALLOW DISPENSING BY MORE PEOPLE	Suspends statutes and regulations to allow dispensing & administration of medications, vaccines, etc. by a variety of people
Generic Guidelines for Advanced Practice Registered Nurse (APRN) Practice in a Declared Emergency in the Commonwealth of Massachusetts	<b>This is not an order, but a document that will be signed by an APRN upon arrival at a site where his/her services are needed.</b>